

922 KAR 1:580. Standards for children's advocacy centers.

RELATES TO: KRS Chapter 13B, 17.165, 202A.011(12), 309.130-1399, 314.011(14), 314.142, Chapter 319, Chapter 335, 431.600, 620.020, 620.045, 620.050

STATUTORY AUTHORITY: KRS 194A.050(1), 620.045(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the citizens of the Commonwealth and to operate the programs and fulfill the responsibilities of the cabinet. In order to be eligible for grants from state government entities, KRS 620.045(2) requires children's advocacy centers to comply with the statutory definition established in KRS 620.020(4) and administrative regulations promulgated by the cabinet. This administrative regulation establishes staff qualifications and program standards for children's advocacy centers.

Section 1. Definitions. (1) "Governing board" or "board" means the board of directors vested with the legal responsibility for management of the children's advocacy center.

(2) "Mental health discipline" means:

- (a) Art therapy in accordance with KRS 309.130 to 309.1399;
- (b) Marriage and family therapy in accordance with KRS 335.300 to 335.399;
- (c) Professional counseling in accordance with KRS 335.500 to 335.599;
- (d) Psychiatric nursing in accordance with KRS 202A.011(12)(d);
- (e) Psychiatry in accordance with KRS 202A.011(12)(b);
- (f) Psychology in accordance with KRS Chapter 319; or
- (g) Social work in accordance with KRS 335.010 to 335.160.

(3) "Referral agreement" means a written protocol or process:

- (a) Defined within the operating policies of the center; and
- (b) That details how services required by Section 4 of this administrative regulation are established for the center's clients if the center does not have the capacity to provide these services.

(4) "Regional children's advocacy center" or "center" means an agency defined by KRS 620.020(4) and designated by the cabinet to serve as the regional children's advocacy center in accordance with KRS 620.045(1).

Section 2. Governing Board of Directors. (1) A center shall be managed by a governing board in order to allow community involvement in the planning, development, and evaluation of services.

(2) A governing board shall adopt written bylaws. The bylaws shall include the:

- (a) Purpose of the agency;
- (b) Minimum and maximum number of board member positions;
- (c) Qualifications for board members;
- (d) Method of selecting board members;
- (e) Terms of board members;
- (f) Officers and duties;
- (g) Method of election of officers and chairpersons;
- (h) Quorum requirements for meetings of the board; and
- (i) Method for removal of directors.

(3) The duties of the board shall be to:

- (a) Schedule meetings of the board to be held at least six (6) times per state fiscal year;

- (b) Maintain minutes of each meeting of the board containing:
 1. The date and place of the meeting;
 2. Names of board members present;
 3. The subject matter discussed and actions taken; and
 4. The name of the reporter;
- (c) Establish standing committees of the board to include executive, nominating, finance, and personnel committees;
- (d) Establish restrictions on reimbursement of board members, including the prohibition against a member contracting with the board to perform personal or professional services;
- (e) Ensure that the facility housing the center is properly clean, maintained, private, and child-friendly; and
- (f) Recruit and maintain board members who provide broad regional representation of the area development district where the center is located.

Section 3. Personnel Management. (1) A personnel file shall be maintained by the center for each employee.

- (2) The minimum contents of the personnel file shall include:
 - (a) Current professional credentials to reflect training and experience adequate for qualification for the position to which the employee is hired;
 - (b) Conditions or terms of employment that shall include a confidentiality statement signed by the employee;
 - (c) A personnel action document reflecting a change in status of an employee, such as salary change, promotion, resignation, or termination;
 - (d) A position description document including title of the position, description of duties, and requirements of training and experience necessary to qualify for the position; and
 - (e) Results from a criminal records background and central registry check conducted in accordance with KRS 17.165 and 922 KAR 1:470 on the employee during the application process and every two (2) years thereafter while employed by the center.
- (3) Written personnel policies shall be established by the center and shall include:
 - (a) Attendance and leave policies;
 - (b) A compensation plan;
 - (c) Hiring, disciplinary, and firing practices;
 - (d) Staff development and continuing education provisions;
 - (e) Employee grievance procedures;
 - (f) Employee performance evaluations;
 - (g) Equal opportunity employment statements;
 - (h) Staff screening; and
 - (i) Staff training and orientation.
- (4) The governing board shall employ one (1) staff person as executive director of the children's advocacy center. The executive director shall:
 - (a) Be responsible for financial management of the center, including budgets and grant writing;
 - (b) Supervise the duties and activities of center staff and volunteers;
 - (c) Coordinate the design and delivery of services;
 - (d) Fulfill duties as required by the governing board;
 - (e) Report directly to the board on all center activities;
 - (f) Have a master's degree from an accredited college or university and three (3) years of experience in:
 1. Human services;

- 2. Management; or
- 3. A criminal justice field; and
- (g) Affirm a commitment to the welfare and protection of children.

(5)(a) A governing board may establish the staff positions specified in subparagraphs 1 through 5 of this paragraph.

1. Child advocate. A child advocate shall have a bachelor's degree from an accredited college or university and two (2) years of experience in a human services or criminal justice field.

2. Therapist. A therapist shall:

a. Have a doctorate or master's degree from an accredited college or university in a mental health discipline and two (2) years post-degree counseling or clinical experience; and

b. Possess a certificate or license to practice under the laws of the Commonwealth of Kentucky in a mental health discipline.

3. Forensic interviewer. A forensic interviewer, if employed by the center, shall have:

a. A doctorate or master's degree from an accredited college or university in a mental health, education, human services, or criminal justice field;

b. Two (2) years of post-degree counseling or clinical experience; and

c. Three (3) years of experience working with children.

4. Multidisciplinary team facilitator. A multidisciplinary team facilitator shall have a bachelor's degree from an accredited college or university and two (2) years of experience in a human services or criminal justice field.

5. Other staff necessary to support the administration or service delivery of the agency.

(b) The qualifications established in paragraph (a)1 through 4 of this subsection shall not apply to center staff hired prior to December 17, 2007.

(c) Within three (3) months of employment, staff providing direct services to a child shall have received twenty-four (24) hours of training on issues related to child abuse.

(d) Within three (3) months of beginning service, a center volunteer who has access to or contact with a child shall have received twenty-four (24) hours of training on issues related to child abuse.

(e) An employee of a center shall receive at least eight (8) hours of the training required by paragraph (c) of this subsection before providing services to a child.

(f) A center volunteer who has access to or contact with a child shall receive at least eight (8) hours of training required by paragraph (d) of this subsection before providing services at the center.

(g)1. A center contracting for direct services to a child by a professional not on the staff of the center shall document that the professional meets the qualifications established in this section.

2. An agreement for provision of service shall:

a. Be on file at the center; and

b. Specify the qualifications of the staff.

(h) An employee of a children's advocacy center shall be at least twenty-one (21) years of age.

(i) An applicant for employment shall submit to a criminal records check in accordance with KRS 17.165 and 922 KAR 1:470 during the application process and every two (2) years thereafter while employed by the center.

(j) A center volunteer who has access to or contact with a child shall submit to a criminal records check in accordance with KRS 17.165 and 922 KAR 1:470 prior to beginning service to the center and every two (2) year thereafter while service is being provided to the center.

(k) An employee of a center under indictment or legally charged with a violent or sex crime as defined in KRS 17.165 shall be immediately removed from contact with children in the cen-

ter until the employee is cleared of the charge.

(l) A center volunteer under indictment or legally charged with a violent or sex crime as defined in KRS 17.165 shall be immediately removed from contact with children in the center until the center volunteer is cleared of the charge.

(m) An employee or designated agent shall have immunity from civil liability and shall be provided a defense in civil actions pursuant to KRS 620.050(2).

Section 4. Center Services and Responsibilities. (1) A center shall:

(a) Provide:

1. Advocacy services;
2. Counseling services;
3. Clinical services;
4. Forensic interviewing;
5. Multidisciplinary team facilitation;
6. Medical examination services; and
7. Consultation and education services; or

(b) Develop a referral agreement to refer clients to a provider of the services listed in paragraph (a)1 through 7 of this subsection.

(2) Advocacy services assist child victims and their non-offending caregivers and may include:

(a) Accompaniment to court or court-related meetings;

(b) Case management services; or

(c) Information and referral services.

(3) Counseling services may include:

(a) A crisis telephone line;

(b) Crisis counseling services; and

(c) Support group services.

(4)(a) Clinical services may include:

1. A mental health evaluation;

2. Individual therapy services for a child and non-offending caretaker and family; or

3. Group therapy services for a child and non-offending caretaker.

(b) Clinical services shall be provided by a professional who meets the requirements of Section 3(5)(a)2 of this administrative regulation.

(5) Forensic interviewing shall include structured interviews with a child for the purpose of facilitating a criminal investigation and may be provided on site at the center by:

(a) The center staff forensic interviewer meeting the requirements established in Section 3(5)(a)3. of this administrative regulation;

(b) A law enforcement officer; or

(c) A worker who is employed by the cabinet.

(6) A child's recorded interview shall not be duplicated except in accordance with KRS 620.050(10).

(7) Multidisciplinary team facilitation may include:

(a) Scheduling of meetings;

(b) Case tracking;

(c) Case review; or

(d) Data collection.

(8)(a) Medical examination services shall be:

1. Reimbursed by the Department for Medicaid Services in accordance with 907 KAR 3:160; and

2. Provided by:
 - a. A licensed physician with pediatric experience and expertise in the evaluation and treatment of child abuse;
 - b. A licensed advanced practice registered nurse with pediatric experience and expertise in evaluation and treatment of child abuse; or
 - c. A sexual assault nurse examiner certified in accordance with KRS 314.011(14) and 314.142.
- (b) If a medical exam is conducted by the center staff or a contractor, a mental health evaluation shall be provided:
 1. Within twenty-four (24) hours of the medical exam; or
 2. If the medical exam will be billed to Medicaid, the same day and at the same location as the medical exam, in accordance with Section 907 KAR 3:160, Section 1(2)(d).
- (9)(a) Consultation and education services may include:
 1. School-based prevention programs;
 2. Community education programs;
 3. Media presentations;
 4. In-service training; or
 5. Case consultation services.
- (b) A center shall provide a minimum of one (1) training session per year for community partners or the community at large.
- (10) In addition to providing services to children in the county in which the center is located, regional center staff shall serve:
 - (a) Children in other counties in the area development district, including those who need medical examinations or forensic interviewing services; and
 - (b) As a technical assistant and consultation resource to criminal justice and human service professionals in the area development district in which the center is located.
- (11) Services provided by a center shall be coordinated with multidisciplinary teams as defined in KRS 431.600 and 620.020.
- (12) A center shall provide written policies and procedures for clients and volunteers that include:
 - (a) Volunteer screening;
 - (b) Volunteer training and orientation;
 - (c) Grievance procedures for clients and volunteers;
 - (d) Safety;
 - (e) Clients of the center;
 - (f) Client records;
 - (g) Intake;
 - (h) Comprehensive child sexual abuse examinations;
 - (i) Therapy;
 - (j) Forensic interviews; and
 - (k) Mandatory reporting of child and adult abuse.
- (13) A center shall provide to the non-offending caregiver written instructions that include:
 - (a) The name and contact information for the center;
 - (b) The name of the cabinet staff member involved in the case;
 - (c) The names of law enforcement personnel handling the case;
 - (d) The name and contact information for the County or Commonwealth's Attorney involved in the case;
 - (e) The name and contact information for the receiving medical provider if a referral for additional assessment or treatment is made;

(f) The name and contact information for the receiving mental health provider if a referral for additional assessment or treatment is made; and

(g) Any known information regarding follow-up appointment times and recommended after-care referrals.

(14) A center shall develop and maintain written confidentiality policies and procedures to ensure client privacy as provided in Kentucky Rules of Evidence 506 and 507.

(15) A center shall develop and maintain written policies to limit disclosure of confidential information pursuant to KRS 620.050(5).

(16) A center shall maintain good standing as a private, nonprofit agency within the Commonwealth of Kentucky.

(17)(a) A center shall obtain the following insurance coverage:

1. Malpractice insurance for the center staff, Board of Directors, and volunteers;
2. Liability insurance for the center staff, Board of Directors, and volunteers;
3. Fidelity bonding;
4. Facility insurance; and
5. Workers compensation insurance.

(b) If contracted professionals provide their own insurance and are not covered by the center, the center shall maintain documentation that shows an active and appropriate policy.

(c) The center shall submit documentation showing proof of insurance to the cabinet.

Section 5. Client Files and Documentation. (1) A center shall open a client file for a child who is provided a service, excluding service that is limited to a telephone conversation.

(2) A client file shall include information sufficient to document the services provided or referral made by the center and shall include:

- (a) The names of the client and primary caregiver;
- (b) The name of the recipient of service;
- (c) The client's address;
- (d) The client's date of birth;
- (e) Each date of service provided by the center;
- (f) The name and title of each service provider of the center;
- (g) A description of any services provided by the center;
- (h) The referral sources used;
- (i) A description of any follow-up services provided; and
- (j) Descriptions of contacts with, report to, and referrals from the cabinet and law enforcement agency.

(3)(a) A center shall maintain a system for tracking:

1. Services rendered by region, except that comprehensive medical services and forensic interviewing shall be tracked by county of the client's residence;
 2. Clients seen by county of client's residence;
 3. Referrals made; and
 4. Contacts with other community agencies on behalf of clients.
- (b) Documentation shall be sufficient to support statistics reported to the cabinet.

Section 6. Funding. (1)(a) The cabinet shall designate one (1) regional children's advocacy center in each area development district.

(b) A children's advocacy center designated on or after July 1, 2007, shall retain the designation unless it has been rescinded by the cabinet based on:

1. Periodic review of the center's performance; or
2. The annual plan and budget submitted by the center to the cabinet for funding for the

next fiscal year.

(c) The cabinet shall notify the Office of the Attorney General, the Department for Medicaid Services, and the Justice and Public Safety Cabinet of any designation of a regional children's advocacy center made pursuant to this administrative regulation.

(2) The requirements of this administrative regulation shall not prohibit the center from applying for nongovernmental grants or fundraising to support efforts consistent with the mission of the center.

(3)(a) In addition to the provisions of subsection 1(b) of this Section, the Commissioner of the Department for Community Based Services may rescind the designation of a center if a determination is made that the center failed to:

1. Submit a budget and plan for services, which shall substantiate the capacity to provide services specified in KRS 620.020(4) and in accordance with this administrative regulation;
2. Operate in accordance with a budget and plan for services approved by the cabinet; or
3. Operate in accordance with the requirements of this administrative regulation.

(b) Any notice of rescission of a designation shall:

1. Be in writing;
2. Be mailed to the center's last known mailing address;
3. State the basis for the rescission;
4. State the effective date of the rescission; and
5. State any appeal rights.

(c) The cabinet shall notify the Office of the Attorney General, the Department for Medicaid Services, and the Justice and Public Safety Cabinet of any notice of rescission of a designation of a regional children's advocacy center issued pursuant to this administrative regulation. Failure by the cabinet to provide such notice shall not serve as grounds for the affected center to invalidate the notice of rescission.

(4) Cabinet funding for a center shall be contracted through the regional center or the centers' state association.

(5) A center may contract or establish referral agreements with other agencies or professionals to provide services established in Section 4 of this administrative regulation.

(6)(a) Except in cases where designation has terminated, as established in subsection 1(b) of this Section, a center that has received written notice that its designation has been rescinded may appeal the determination of the Commissioner of the Department for Community Based Services by requesting an administrative hearing.

(b) Any request for an administrative hearing shall be in writing and shall be received by the Department for Community Based Services within thirty (30) days of the date of receipt of the notice of rescission. This type of request shall be sent to the Office of the Commissioner, Department for Community Based Services, Cabinet for Health and Family Services, 275 East Main Street, 3E-A, Frankfort, Kentucky 40621.

(c) Any administrative hearing held pursuant to this administrative regulation shall be conducted in accordance with KRS Chapter 13B by a hearing officer employed by the cabinet.

(d) A request for an administrative appeal shall stay the rescission of the designation until the administrative appeal process is final.

(e) The stay on the rescission of the designation granted by paragraph (d) of this subsection shall not extend to judicial review, unless a stay is granted pursuant to KRS 13B.140(4).

Section 7. Audit and Monitoring. (1) The cabinet or its agent shall randomly, or upon receipt of a complaint, audit, monitor, or conduct program reviews of a center.

(2) A center shall allow the cabinet or its agent access to its property and records as required by subsection (1) of this section.

Section 8. Grievance and Appeals Process. Client grievances. A center shall establish a written grievance procedure that shall:

(1) Be given to the parent or guardian of each child who comes to the center for services; and

(2) Contain a description of the services provided by the center and the procedure for filing a client grievance in accordance with 922 KAR 1:320, Section 10. (28 Ky.R. 1540; Am. 1884; eff. 2-7-2002; 29 Ky.R. 1417; 1825; eff. 1-15-2003; Recodified from 922 KAR 1:440, 4-4-2007; 34 Ky.R. 140; 800; 1494; eff. 12-17-2007; TAm eff. 3-28-2008; 43 Ky.R. 1103, 1383; eff. 3-3-2017; Recodified from 920 KAR 2:040, eff. 2-1-2019; 47 Ky.R. 1851, 2604; eff. 6-16-2021.)